

REMARKS

After entry of this amendment, claims 1 - 14 are pending in the application. Claims 4 and 12 have been amended to be in independent form. None of the claims have been canceled. No new claims have been added. Reconsideration of the application as amended is requested.

In the Office Action dated December 15, 2004, claims 1 - 3, 8 - 11, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ishida et al., U.S. Pat. No. 6,027,124. It is respectfully submitted that Ishida et al. does not teach or suggest a set of lateral bend tabs at a radially outer end of a neck portion of the shim layer, as recited claim 1. Reference numeral 6 has been cited as being a neck portion and reference numeral 5 has been cited as being a tab. Ishida et al. teaches that numeral 6 is a slit in the elastic plate 1. Claim 1 recites that neck portion 30 is part of the tab portion 28 that extends radially outward from the annular portion 22 of the shim layer 18. Reference numeral 2, the metal plate of Ishida et al. has been cited as the shim layer. Slit 6 is not part of the metal plate 2.

It is further submitted that even if Ishida et al. is viewed as set forth above, the reference does not teach or suggest a set of laterally spaced mounting windows as recited in claim 1. If the slit 6 is a neck portion of the shim plate, the tab 5 does not extend through a laterally spaced mounting window formed in the active layer. Reference numeral 1, the elastic plate of Ishida et al., has been cited as the active layer. Claim 1 recites that the laterally spaced windows are formed in the active layer and the neck portion is part of the shim layer. Ishida et al. cannot be interpreted as teaching the slit 6 being a neck portion that is part of a shim layer as well as being a laterally spaced window formed in an active layer.

It is respectfully submitted that even if Ishida et al. is viewed as set forth above, the reference does not teach or suggest the tabs being bent back toward one another as recited in claim 1. None of the tabs 5 of Ishida et al. are bent back toward another tab 5.

With respect to claim 3, Ishida et al. does not teach or suggest a relief window lying along an axis of the neck region between mounting windows.

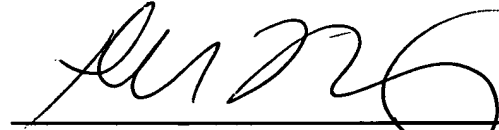
It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

March 15, 2005

A handwritten signature in black ink, appearing to read 'R. Stearns', is written over a horizontal line.

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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §§ 1.1 AND 1.8

I hereby certify that this **AMENDMENT** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, Alexandria, VA 22313-1450, on **March 15, 2005**.

Karri Chamberlin

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In the drawings:

One replacement sheet is submitted with this Amendment. In Figure 1, the cross-hatching previously shown on the tab 32 has been removed since the tab 32 is not sliced by the cross-sectional plane 1 - 1. In Figure 2, the leader line extending from reference numeral 20 has been changed to dash line since the annular portion 20 is not visible in Figure 2, as best shown in Figure 1. In Figure 3, the leader line extending from reference numeral 42 on the left-hand side has been shortened to be consistent with the leader line extending from reference numeral 42 on the right-hand side.